

Bill Number: HB 450
Scott D. Shellenberger, State's Attorney for Baltimore County
Support

WRITTEN TESTIMONY OF SCOTT D. SHELLENBERGER,
STATE'S ATTORNEY FOR BALTIMORE COUNTY,
IN SUPPORT OF HOUSE BILL 450
CRIMINAL PROCEDURE – PROTECTION OF IDENTITY OF VICTIM OF SEXUAL
ASSAULT

I write in support of House Bill 450 as a much needed protection for victims of sexual assault.

Criminal Procedure 11-301 has for years allowed the State at the request of a victim or witness, during a criminal trial, to ask the court to prohibit disclosure of the release of an address or telephone number of the victim of these types of crimes.

The Statute extends these protections to minors whose names are listed in a document if they were a minor when the crime occurred.

House Bill 450 extends these protections to all victims of sexual assault and of stalking. The State may not disclose or allow inspection or disclosure of any document to a nonparty that would contain identifying information.

Within the Statute it allows disclosure only upon a finding of good cause by clear and convincing evidence. That is a high burden and one that is important.

These additions will protect a very vulnerable group of people who need assurances that their names will not be revealed to the media, on the internet or to nonparties.

Shielding personal identifying information may further encourage victims to come forward in cases that are subjected to wide media coverage. It is common for a victim to not disclose sexual abuse until years later, indicating he or she was fearful of his or her name being publicized and facing further scrutiny from the press. This could also result in additional victims coming forward against a perpetrator when they recognize that the original victim has remained anonymous, and allow for a stronger criminal case to prosecute.

This could also be a benefit in cases where there is not publicity, but a victim is fearful of friends or family members finding out that he or she has come forward. This would allow the victim to remain unidentified until he or she is willing to disclose to others on their own terms.

I urge a favorable report.